

2009 DRAFTING REQUEST

Bill

Received: **09/21/2009**

Received By: **gmalaise**

Wanted: **Soon**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Carrie Kahn**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - out-of-home placement**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Jauch@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Graduated foster care licensing

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | gmalaise 10/08/2009 | nnatzke 10/12/2009 | | _____ | | | S&L |
| /1 | | | jfrantze 10/12/2009 | _____ | lparisi 10/12/2009 | cduerst 10/13/2009 | |

FE Sent For:

<END>

↳ At Intro.

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| /? | gmalaise | /1 nwn 10/12 | J 10/12 | Jb/own 10/12 | | | |

FE Sent For:

<END>

Malaise, Gordon

From: Kahn, Carrie
Sent: Wednesday, September 30, 2009 4:58 PM
To: Malaise, Gordon
Cc: McGinnis, Cindy; Sappenfield, Anne
Subject: FW: Levels of Care Legislative Proposal
Attachments: Levels_of_care_LegislativeChanges9.doc

Hi Gordon,

DCF has made some additional changes to the graduated foster care licensing bill drafting instructions. Could you incorporate these into the draft you're working on? Any idea yet when that will be ready?

Thanks!

Carrie Kahn
Legislative Assistant
State Senator Bob Jauch
P.O. Box 7882
Madison, WI 53707-7882

608-266-3510
1-800-469-6562

From: Bachir, Julie S - DCF [mailto:Julie.Bachir@wisconsin.gov]
Sent: Tuesday, September 29, 2009 3:46 PM
To: Collins, Kimmie L - DCF; Kahn, Carrie; Sappenfield, Anne
Subject: Levels of Care Legislative Proposal

Hi there,

We've made some changes to our proposed legislative changes and drafting instructions for the levels of care/graduated foster care licensing system, which are reflected in the attached memo. This version is simpler and allows for more flexibility in placing children with relative care providers. Please let me know if you have any questions.

Julie S. (Bachir) Majerus
Policy Advisor
Division of Safety and Permanence
Department of Children and Families
Phone: 608-267-2073

09/30/2009

DEPARTMENT OF CHILDREN AND FAMILIES
Division of Safety and Permanence

Date: September 29, 2009
To: Secretary's Office
From: Division of Safety and Permanence
Re: Statutory Changes Needed for Implementation: Graduated Foster Care Licensing

The following legislative amendments should be made, to ensure the Levels of Care provision in the 2009-2011 budget bill is operational.

1. Section 1014: Foster Care Payment Rates

- ✓ a. Need to clarify that all foster parents licensed at Level 1 (child-specific licenses) will receive a foster care payment equal to \$215 starting in 2010 (and \$220 in 2011) regardless of the child's age. This applies to all level 1 foster parents and not just relatives, since Level 1 will include non-relatives with an existing connection with the child. Section 1014 in the current draft uses the term "relative" and this should be changed. For persons who are eligible for TANF payments, the \$215 payment can be made using funds from TANF.
- ✓ b. Change s. 48.62(4) to clarify that the current basic maintenance rates based on age only apply to providers licensed at Levels 2-5.
- ✓ c. Clarify that the 2.5% increase effective CY2011 also applies to Kinship Care providers.

Effect/Stakeholders: This change is necessary for compliance with federal law so that we are not discriminating against relative providers. Relative providers may oppose this legislation because they will think it is unfair that relative providers (which make up a big part of Level 1) are only receiving a 2.5% increase, while providers licensed at Levels 2-5 are receiving a 5% increase. However, this change is meant to improve what was already passed in the budget bill and clarify that the smaller increase applies not just to relative providers but to *any* child-specific license. This was the original intent of DCF's proposal. This proposed change will also increase the payment for kinship care (mostly relative) providers, which is a positive change for those providers. Counties and tribes might have concerns about funding. Advocacy groups for families in poverty might have concerns that only wealthy relatives will be in a position to care for children without being licensed.

- ✓ 2. The language in Section 1022 should be changed to reflect that a foster parent could care for a child assessed at a higher level of care if supports and services match the child's needs (for example, a Level 1 foster parent could care for a child assessed at Level 3 if supports and services are there to adequately support the child's needs). This should be identified as an exception in the statutes, with reference to the administrative rule where the various levels of licensing are defined. The language in s. 48.62(8)(b) (last sentence) currently reads "A foster home that is licensed to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be *at or below* the level of care that the foster home is licensed to provide." This language should be changed to specify that a foster home could provide foster care for a child whose needs are assessed to be above the level of care that the foster home is licensed to provide, if services and supports to meet the needs of the child are in place.
- Effect/Stakeholders:** This change is necessary to avoid disrupting current placements and give child welfare agencies flexibility to make placements to address the child's connections with siblings, local community, culture (including placement preferences under ICWA), and other factors. We do not expect any opposition to this change.

- ✓ 3. Statutory language to ensure that all current Kinship Care providers become licensed when possible. When the graduated licensing structure goes into effect on January 1, any existing court-ordered Kinship Care provider will be required to be licensed within 4 months of their current annual renewal date for Kinship Care [*this time frame will probably increase to 6 months after the licensing survey on September 11*]. If the provider is not licensable or refuses licensure, at the next permanency plan hearing the social worker must make a recommendation, and the court must make a determination as to continued placement of the child in the home. If the placement continues that provider shall continue to receive the \$215 Kinship Care payment (with the increases to the rate effective 2010 and 2011).

Effect/Stakeholders: This change is necessary to generate the IV-E funds as intended by the legislature with the new graduated foster care licensing structure. Since we will be eliminating court-ordered Kinship Care starting in 2010 (see item number 6), this change is necessary to protect current Kinship Care placements. Relative care providers might strongly oppose this because the change would require them (for the most part) to be licensed. Counties and tribes might have concerns about funding. Advocacy groups for families in poverty might have concerns that only wealthy relatives will be in a position to care for children without being licensed.

- ✓ 4. Amend the statutes so that a Court-Ordered Kinship Care provider can only receive payments for 4 months, or 60 days from receipt of a completed application for licensure. If it is determined that the provider is not eligible for licensure, TANF payments can be extended beyond these time-limits if the provider meets all the following criteria:

- a. Family is deemed unlicensable
- b. Agency recommends that the placement continues
- c. Court considers information gathered by the agency related to background checks, physical safety of the home, and an assessment of the ability and capacity to care for the relative child and the court decides to continue the child's placement beyond 60 days
- d. The provider meets all other Court-ordered Kinship Care program criteria, except the time-limit to the funding

[Note to drafter: these changes should be made only to the statues affecting the Kinship Care program, not in the placement options]

The statute should specify that the provider may receive a court-ordered Kinship Care payment, if they meet eligibility criteria, as long as the licensure period is still pending, even if it is longer than 60 days after receipt of application, *if it is the agency's fault that the licensure period has exceeded 60 days, but this period cannot exceed 4 months.*

Effect/Stakeholders: This change is necessary to generate the IV-E funds as intended by the legislature, because it ensures that a large number of Court-Ordered Kinship Care providers moving forward will become licensed and therefore eligible for Title IV-E reimbursement. County agencies may oppose this because they may not like having to process the provider for more than one program.

- ✓ 5. Allow counties to license a child-specific home in another county without permission of the other county. Under current law a county must ask permission to license any home in another county and create an agreement to services and support with the other county when licensing in a ~~non~~ contiguous county. This is meant to protect smaller counties with limited resources from being drained of potential homes because the neighboring county with greater resources has monopolized them through licensure. Under the new graduated licensing structure, children who might usually be placed with a relative will now be placed in child-specific licensed homes. It would assist counties greatly to be able to continue to find placements for those children by being able to license those homes quickly. For drafter: amend s. 48.75(1g)(c) so that a written agreement is not necessary when placing in a child-specifically licensed home, but that subs (c) 1., 2., and 3. always apply even if there is no written agreement.

Effect/Stakeholders: This change is necessary to implement the levels of care without greatly limiting resources for child placements. Counties might strongly oppose this. On the other hand,

counties might realize that they would want this benefit for themselves and be willing to give other counties the benefit that they themselves might use in the future. Smaller counties located near larger counties would have the most concerns about this change.

6. Technical corrections for implementation of Rate Regulation provision:

Sections 1277, 1281, 1282: Amend so that the rate regulation provision applies to treatment foster care as well, since treatment foster care programs will continue until Levels 3-5 are implemented in 2011.

Effect/Stakeholders: These are technical changes necessary for implementation of the new foster care rate regulation provision. This change will not generate any opposition.

Malaise, Gordon

From: Kahn, Carrie
Sent: Monday, September 14, 2009 11:19 AM
To: Malaise, Gordon
Subject: FW: Correct draft for Graduated Licensing legislation
Attachments: Levels_of_care_LegislativeChanges8.doc

Gordon,

I have another bill draft, this one is regarding graduated foster care licensing.

Could you begin drafting and let me know how long you think it will take? This is another urgent bill, as it needs to be signed by the Governor prior to Jan. 1, 2010, so we need to have a draft as soon as possible.

Thanks!

Carrie Kahn
Legislative Assistant
State Senator Bob Jauch
P.O. Box 7882
Madison, WI 53707-7882

608-266-3510
1-800-469-6562

From: Bachir, Julie S - DCF [mailto:Julie.Bachir@wisconsin.gov]
Sent: Monday, September 14, 2009 11:08 AM
To: Kahn, Carrie; Sappenfield, Anne
Cc: Collins, Kimmie L - DCF
Subject: Correct draft for Graduated Licensing legislation

Julie S. Bachir
Policy Advisor
Division of Safety and Permanence
Department of Children and Families
Phone: 608-267-2073

09/14/2009

DEPARTMENT OF CHILDREN AND FAMILIES
Division of Safety and Permanence

Date: September 10, 2009
To: Secretary's Office
From: Division of Safety and Permanence
Re: Statutory Changes Needed for Implementation: Graduated Foster Care Licensing

The following legislative amendments should be made, to ensure the Levels of Care provision in the 2009-2011 budget bill is operational.

1. Section 1014: Foster Care Payment Rates

- a. Need to clarify that all foster parents licensed at Level 1 (child-specific licenses) will receive a foster care payment equal to \$215 starting in 2010 (and \$220 in 2011) regardless of the child's age. This applies to all level 1 foster parents and not just relatives, since Level 1 will include non-relatives with an existing connection with the child. Section 1014 in the current draft uses the term "relative" and this should be changed. For persons who are eligible for TANF payments, the \$215 payment can be made using funds from TANF.
- b. Change s. 48.62(4) to clarify that the current basic maintenance rates based on age only apply to providers licensed at Levels 2-5.
- c. Clarify that the 2.5% increase effective CY2011 also applies to Kinship Care providers.

Effect/Stakeholders: This change is necessary for compliance with federal law so that we are not discriminating against relative providers. Relative providers may oppose this legislation because they will think it is unfair that relative providers (which make up a big part of Level 1) are only receiving a 2.5% increase, while providers licensed at Levels 2-5 are receiving a 5% increase. However, this change is meant to improve what was already passed in the budget bill and clarify that the smaller increase applies not just to relative providers but to *any* child-specific license. This was the original intent of DCF's proposal. This proposed change will also increase the payment for kinship care (mostly relative) providers, which is a positive change for those providers. Counties and tribes might have concerns about funding. Advocacy groups for families in poverty might have concerns that only wealthy relatives will be in a position to care for children without being licensed.

2. The language in Section 1022 should be changed to reflect that a foster parent could care for a child assessed at a higher level of care if supports and services match the child's needs (for example, a Level 1 foster parent could care for a child assessed at Level 3 if supports and services are there to adequately support the child's needs). This should be identified as an exception in the statutes, with reference to the administrative rule where the various levels of licensing are defined. The language in s. 48.62(8)(b) (last sentence) currently reads "A foster home that is licensed to provide a given level of care under par. (a) may provide foster care for any child whose needs are assessed to be *at or below* the level of care that the foster home is licensed to provide." This language should be changed to specify that a foster home could provide foster care for a child whose needs are assessed to be above the level of care that the foster home is licensed to provide, if services and supports to meet the needs of the child are in place.

Effect/Stakeholders: This change is necessary to avoid disrupting current placements and give child welfare agencies flexibility to make placements to address the child's connections with siblings, local community, culture (including placement preferences under ICWA), and other factors. We do not expect any opposition to this change.

3. Statutory language to ensure that all current Kinship Care providers become licensed when possible. When the graduated licensing structure goes into effect on January 1, any existing court-ordered Kinship Care provider will be required to be licensed within 4 months of their current annual renewal date for Kinship Care [*this time frame will probably increase to 6 months after the licensing survey on September 11*]. If the provider is not licensable or refuses licensure,

at the next permanency plan hearing the social worker must make a recommendation, and the court must make a determination as to continued placement of the child in the home. If the placement continues that provider shall continue to receive the \$215 Kinship Care payment (with the increases to the rate effective 2010 and 2011).

Effect/Stakeholders: This change is necessary to generate the IV-E funds as intended by the legislature with the new graduated foster care licensing structure. Since we will be eliminating court-ordered Kinship Care starting in 2010 (see item number 6), this change is necessary to protect current Kinship Care placements. Relative care providers might strongly oppose this because the change would require them (for the most part) to be licensed. Counties and tribes might have concerns about funding. Advocacy groups for families in poverty might have concerns that only wealthy relatives will be in a position to care for children without being licensed.

4. Amend the statutes so that if a court is placing a child with an unlicensable provider at disposition, special determinations must be made to find that placement is in the child's best interests, with specific criteria regarding what considerations must be made when placing with an unlicensable provider. DSP will work further on developing the specific criteria.

Effect/Stakeholders: This change is necessary to generate the IV-E funds as intended by the legislature with the new graduated foster care licensing structure. This would effectively remove the court-ordered kinship care option from 2010 going forward, except in special circumstances where the court deems that it is in the child's best interest. Currently-operating court-ordered kinship care homes will still be able to continue with payments once approved by the court. We should expect some opposition from relative care providers because this change requires them – for the most part – to be licensable. However, we can make a strong argument that this will improve safety for children, and that in the rare case where an unlicensable relative is still a fit provider, the court will still have that option. Counties and tribes might have concerns about funding. Advocacy groups for families in poverty might have concerns that only wealthy relatives will be in a position to care for children without being licensed.

5. Remove the option for a court to place a child with any unlicensable provider for more than 4 months or 60 days from receipt of a completed application, unless the special determinations referenced in Item 4 above are made in order to find that continued placement is in the child's best interest. Under this change a relative will not be required to become licensed and receive payment if they do not want to, but they *will* be required to meet the licensing criteria (unless in special circumstances the court allows continued placement). They will receive payment (if they want to) during the licensing process but at the end of that period if they do not meet the standards, their payment will discontinue and the court will be required to make a change in placement, unless it makes the special determinations to find that continued placement is in the child's best interest. The statute should specify that the provider should receive a court-ordered Kinship Care payment, if they meet eligibility criteria, as long as the licensure period is still pending, even if it is longer than 60 days after receipt of application, *if it is the agency's fault that the licensure period has exceeded 60 days.*

Effect/Stakeholders:

- This policy change would be in the best interests of children (they will be with safer placements. For example, Baby Christopher may not have been placed with the abusing relative).
- The courts may oppose this because it would slightly limit their placement options.
- Relative care providers might oppose this change because it limits the number of relatives who could care for children even if they are not interested in payment. But again, they are not entirely shut out because the court can make a special determination to continue placement.
- This could stress out placement resource options, requiring more children to be placed in traditional foster care with unknown individuals.

6. Allow counties to license a child-specific home in another county without permission of the other county. Currently a county must ask permission to license any home in another county and create an agreement to services and support with the other county when licensing in a non-contiguous county. This is meant to protect smaller counties with limited resources from being drained of potential homes because the neighboring county with greater resources has monopolized them through licensure. Under the new graduated licensing structure, children who might usually be placed with a relative will now be placed in child-specific licensed homes. It would assist counties greatly to be able to continue to find placements for those children by being able to license those homes quickly. For drafter: amend s. 48.75(1g)(c) so that a written agreement is not necessary when placing in a child-specifically licensed home, but that subs (c) 1., 2., and 3. always apply even if there is no written agreement.

Effect/Stakeholders: This change is necessary to implement the levels of care without greatly limiting resources for child placements. Counties might strongly oppose this. On the other hand, counties might realize that they would want this benefit for themselves and be willing to give other counties the benefit that they themselves might use in the future. Smaller counties located near larger counties would have the most concerns about this change.

7. Technical corrections for implementation of Rate Regulation provision:
Sections 1277, 1281, 1282: Amend so that the rate regulation provision applies to treatment foster care as well, since treatment foster care programs will continue until Levels 3-5 are implemented in 2011.

Effect/Stakeholders: These are technical changes necessary for implementation of the new foster care rate regulation provision. This change will not generate any opposition.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3491/7

GMM.....

nwn

IN 10/8

Mon 10/12

SA✓
x-ref

Gen.

- 1 AN ACT ...; relating to: the monthly rates that are paid for foster care; the levels
2 of care that a foster home may provide; licensing of kinship care relatives to
3 operate foster homes and, subject to certain exceptions, time limits on the
4 receipt of kinship care payments; and licensing of foster homes across county
5 lines.

Analysis by the Legislative Reference Bureau

Introduction. Under current law, any person who receives four or fewer children or, under certain circumstances, more than four children to provide care and maintenance for those children must obtain a license to operate a foster home and is reimbursed for that care and maintenance according to rates specified in the statutes. A relative other than a parent (kinship care relative) who provides care and maintenance for a child is not required to obtain a foster home license, but may, if he or she meets certain conditions, receive monthly payments from the county department of human services or social services (county department) or, in Milwaukee County, the Department of Children and Families (DCF) for the care and maintenance provided for the child (kinship care payments).

This bill makes various changes relating to: 1) the monthly rates that are paid for foster care and kinship care; 2) the levels of care that a foster home may provide; 3) licensing of kinship care relatives to operate foster homes and, subject to certain exceptions, time limits on kinship care payments; and 5) licensing of foster homes across county lines. ^{period stays}

Monthly rates for foster care and kinship care. Under current law, a foster parent who is a relative of the child who is receiving foster care is reimbursed for

Current

basic maintenance at the rate of \$215 per month and, beginning on January 1, 2011, at the rate of \$220 per month. Under current law, a foster parent who is a nonrelative of the child who is receiving foster care is reimbursed for basic maintenance according to age-related rates specified in the statutes and may receive supplemental payments that are commensurate with the level of care that the foster home is licensed to provide and the needs of the child (supplemental payments) according to rules promulgated by DCF. Under current law, a kinship care relative who is providing care and maintenance for a child may receive payments in the amount of \$215 per month for the care and maintenance provided for the child.

This bill provides that a foster parent who is licensed to provide the basic level of care under the rules promulgated by DCF is reimbursed at the rate of \$215 per month and, beginning on January 1, 2011, at the rate of \$220 per month, regardless of whether the foster parent is a relative or a nonrelative of the child who is receiving foster care. Similarly, the bill also provides that a foster parent who is licensed to provide care at a level of care that is higher than that basic level of care is reimbursed according to the statutory age-related rates and may receive supplemental payments, regardless of whether the foster parent is a relative or a nonrelative of the child who is receiving foster care. In addition, beginning on January 1, 2011, the bill raises the amount paid to a kinship care relative for the care and maintenance of a child to \$220 per month.

Levels of care that a foster home may provide. Under current law, a foster home that is licensed to provide a given level of care may provide foster care for any child whose needs are assessed to be at or below the level of care that the foster home is licensed to provide. This bill also permits a foster home that is licensed to provide a given level of care to provide foster care for a child whose needs are assessed to be above that level of care, if support and services sufficient to meet those needs are provided.

Licensing of kinship care relatives to operate foster homes and time limits on kinship care payments. The bill requires a kinship care relative who is providing care and maintenance for a child who is placed in the kinship care relative's home under an order of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court), as a condition for the receipt of kinship care payments, to apply for a license to operate a foster home and, subject to certain exceptions, places time limits on the receipt of kinship care payments.

Specifically, the bill permits a county department or, in Milwaukee County, DCF to make kinship care payments to a kinship care relative who is providing care and maintenance for a child who is placed in the home of the kinship care relative under a juvenile court order for no more than 60 days after the date on which the county department or DCF received the completed application of the kinship care relative for a license to operate a foster home or, if the application is approved or denied within those 60 days, until the date on which the application is approved or denied.

If the application is not approved or denied within those 60 days for any reason other than an act or omission of the kinship care relative, the county department or

DCF may make kinship care payments for four months[✓] after the date on which the county department or DCF received the completed application or, if the application is approved or denied within those four months[✓], until the date on which the application is approved or denied.

Notwithstanding that an application of a kinship care relative for a foster home license is denied, the county department or DCF may make kinship care payments to the kinship care relative for as long as the kinship care relative continues to meet the conditions for eligibility for those payments if the county department or DCF submits to the juvenile court information relating to the background investigation required when a kinship care relative applies for kinship care payments, an assessment of the safety of the kinship care relative's home and the ability of the kinship care relative to care for the child, and a recommendation that the child remain in the home of the kinship care relative, and the juvenile court, after considering that information, assessment, and recommendation, orders the child to remain in the kinship care relative's home.

+ Similarly, the bill requires a kinship care relative who on the day before the effective date of the bill is receiving kinship care payments for the care and maintenance of a child who is placed in the kinship care relative's home under a juvenile court order to obtain a license to operate a foster home by no later than six months after the date of the first annual review of the kinship care placement occurring after the effective date of the bill. If the kinship care relative refuses to obtain such a license or is unable to meet the minimum requirements for the issuance of such a license, at the first permanency plan review[✓] or permanency plan hearing[✓] occurring after the date by which the kinship care relative is required to obtain the license, the agency that prepared the child's permanency plan must make a recommendation, and the juvenile court or panel conducting the review or hearing must make a determination, regarding the continuing necessity for and safety and appropriateness of the placement. If the juvenile court or panel determines that the placement continues to be necessary, safe, and appropriate, the child may remain in the placement and the kinship care relative may continue to receive kinship care payments.

Licensing of foster homes across county lines. Under current law, a county department or, in Milwaukee County, DCF (collectively "public licensing agency") may license a foster home that is located in another county if the person who will be licensed is a relative[✓] or guardian of the child, the foster parent moves with the child to the other county and the license will allow the foster parent to continue to care for the child, or the counties are contiguous. A public licensing agency, however, may not license a foster home in another county under those circumstances unless the public licensing agency issuing the license and the public licensing agency of the other county enter into a written agreement that includes: 1) a statement that the public licensing agency issuing the license has placement and care responsibility for the child and has primary responsibility for providing services to the child, as specified in the agreement; 2) a statement that the public licensing agency issuing the license is responsible for the costs of the placement and any related costs, as specified in the agreement; and 3) a description of the procedures to be followed in

providing emergency services to the child and to the foster parent, as specified in the agreement.✓

This bill permits a public licensing agency to license a foster home in another county under those circumstances without entering into an agreement with the public licensing agency of the other county.✓ The public licensing agency issuing the license, however, is still required to have placement and care responsibility for the child and primary responsibility for providing services to the child,✓ is still responsible for the costs of the placement and any related costs,✓ and must have in place procedures to be followed in providing emergency services to the child and to the foster parent.✓

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act 28,
2 sections 315, 316,✓ and 317,✓ is repealed and recreated to read:

3 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
4 providing foster care, treatment foster care, group home care, and institutional child
5 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
6 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
7 for providing foster care, treatment foster care, group home care, and institutional
8 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and
9 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
10 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
11 treatment foster care, group home care, and institutional child care costs by 2% or
12 more, all moneys in excess of 2% shall be remitted to the counties during the
13 subsequent calendar year or transferred to the appropriation account under par. (kx)
14 during the subsequent fiscal year. Each county and the department shall receive a
15 proportionate share of the remittance and transfer depending on the total number

1 of days of placement in foster care, treatment foster care, group home care, or
2 institutional child care. Counties shall use the funds for purposes specified in s.
3 301.26. The department shall deposit in the general fund the amounts transferred
4 under this paragraph to the appropriation account under par. (kx).

5 **SECTION 2.** [✓]20.410 (3) (ho) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is amended to read:

7 20.410 (3) (ho) *Juvenile residential aftercare*. The amounts in the schedule for
8 providing foster care, ~~treatment foster care~~, group home care, and institutional child
9 care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and 938.52.
10 All moneys transferred under s. 301.26 (4) (cm) and all moneys received in payment
11 for providing foster care, ~~treatment foster care~~, group home care, and institutional
12 child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and (14), and
13 938.52 as specified in s. 301.26 (4) (e) and (ed) shall be credited to this appropriation
14 account. If moneys generated by the daily rate exceed actual fiscal year foster care,
15 ~~treatment foster care~~, group home care, and institutional child care costs by 2% or
16 more, all moneys in excess of 2% shall be remitted to the counties during the
17 subsequent calendar year or transferred to the appropriation account under par. (kx)
18 during the subsequent fiscal year. Each county and the department shall receive a
19 proportionate share of the remittance and transfer depending on the total number
20 of days of placement in foster care, ~~treatment foster care~~, group home care, or
21 institutional child care. Counties shall use the funds for purposes specified in s.
22 301.26. The department shall deposit in the general fund the amounts transferred
23 under this paragraph to the appropriation account under par. (kx).

24 **SECTION 3.** [✓]48.48 (17) (a) ^{e 10m.}(10) of the statutes is created to read:

1 48.48 (17) (a) ^{or 10m.} (10.) Administer kinship care and long-term kinship care as
2 provided in s. 48.57 (3m), (3n), and (3p).

3 **SECTION 4.** [✓] 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009
4 Wisconsin Act 28, is amended to read:

5 48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the
6 department shall reimburse counties having populations of less than 500,000 for
7 payments made under this subsection and shall make payments under this
8 subsection in a county having a population of 500,000 or more. ~~A Subject to par. (ap).~~ [✓]
9 a county department and, in a county having a population of 500,000 or more, the
10 department shall make payments in the amount of \$215 per month to a kinship care
11 relative who is providing care and maintenance for a child if all of the following
12 conditions are met: [✓]

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 912 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 105; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28.

13 **SECTION 5.** 48.57 (3m) (am) (intro.) of the statutes, as affected by 2009
14 Wisconsin Act (this act), is repealed and recreated to read:

15 48.57 (3m) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the
16 department shall reimburse counties having populations of less than 500,000 for
17 payments made under this subsection and shall make payments under this
18 subsection in a county having a population of 500,000 or more. Subject to par. (ap), [✓]
19 a county department and, in a county having a population of 500,000 or more, the
20 department shall make payments in the amount of \$220 per month to a kinship care
21 relative who is providing care and maintenance for a child if all of the following
22 conditions are met: [✓]

23 **SECTION 6.** [✓] 48.57 (3m) (am) 1. of the statutes is amended to read:

1 48.57 (3m) (am) 1. The kinship care relative applies to the county department
2 or department for payments under this subsection and ~~the~~, if the child is placed in
3 the home of the kinship care relative under a court order, for a license to operate a
4 foster home under s. 48.62 (1).✓

5 1m. The county department or department determines that there is a need for
6 the child to be placed with the kinship care relative and that the placement with the
7 kinship care relative is in the best interests of the child.✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993
a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629,
4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28.

8 **SECTION 7.** 48.57 (3m) (ap) of the statutes is created to read:

9 48.57 (3m) (ap) 1. Subject to subds. 2.✓ and 3.✓, the county department or, in a
10 county having a population of 500,000 or more, the department may make payments
11 under par. (am)✓ to a kinship care relative✓ who is providing care and maintenance for
12 a child who is placed in the home of the kinship care relative under a court order for
13 no more than 60 days after the date on which the county department or department
14 received under par. (am) 1.✓ the completed application of the kinship care relative for
15 a license to operate a foster home or, if the application is approved or denied within
16 those 60 days, until the date on which the application is approved or denied.✓

17 2. If the application specified in subd. 1.✓ is not approved or denied within 60
18 days after the date on which the county department or department received the
19 completed application for any reason other than an act or omission of the kinship care
20 relative, the county department or department may make payments under par. (am)✓
21 for 4 months after the date on which the county department or department received
22 the completed application or, if the application is approved or denied within those 4
23 months, until the date on which the application is approved or denied.✓

1 3. Notwithstanding that an application of a kinship care relative specified in
2 subd. 1. is denied, the county department or, in a county having a population of
3 500,000 or more, the department may make payments under par. (am) to the kinship
4 care relative for as long as the conditions specified in par. (am) 1. to 6. continue to
5 apply if the county department or department submits to the court information
6 relating to the background investigation specified in par. (am) 4., an assessment of
7 the safety of the kinship care relative's home and the ability of the kinship care
8 relative to care for the child, and a recommendation that the child remain in the home
9 of the kinship care relative and the court, after considering that information,
10 assessment, and recommendation, orders the child to remain in the kinship care
11 relative's home. If the court does not order the child to remain in the kinship care
12 relative's home, the court shall order the county department or department to
13 request a change in placement under s. 48.357 (1) (am) or 938.357 (1) (am). Any
14 person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also request a change
15 in placement.

16 **SECTION 8.** 48.57 (3m) (f) of the statutes is amended to read:

17 48.57 (3m) (f) Any person whose application for payments under par. (am) is
18 not acted on promptly or is denied on the grounds that a condition specified in par.
19 (am) 1., 1m., 2., 5., or 6. has not been met and any person whose payments under par.
20 (am) are discontinued under par. (d) may petition the department under par. (g) for
21 a review of that action or failure to act. Review is unavailable if the action or failure
22 to act arose more than 45 days before submission of the petition for review.

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 54, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28.

23 **SECTION 9.** 48.57 (3n) (am) (intro.) of the statutes, as affected by 2009 Wisconsin

24 Act 28, is amended to read:

1 48.57 (3n) (am) (intro.) From the appropriation under s. 20.437 (2) (md), the
2 department shall reimburse counties having populations of less than 500,000 for
3 payments made under this subsection and shall make payments under this
4 subsection in a county having a population of 500,000 or more. ~~A Subject to par. (ap).~~✓
5 a county department and, in a county having a population of 500,000 or more, the
6 department shall make monthly payments for each child in the amount specified in
7 sub. (3m) (am) (intro.)✓ to a long-term kinship care relative who is providing care and
8 maintenance for that child if all of the following conditions are met:✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28.

9 **SECTION 10.** 48.57 (3n) (am) 1. of the statutes is amended to read:

10 48.57 (3n) (am) 1. The long-term kinship care relative applies to the county
11 department or department for payments under this subsection, applies for a license
12 to operate a foster home under s. 48.62 (1).✓ and provides proof that he or she has been
13 appointed as the guardian of the child under s. 48.977 (2).✓

History: 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28.

14 **SECTION 11.** 48.57 (3n) (ap) of the statutes is created to read:

15 48.57 (3n) (ap) 1. Subject to subds. 2.✓ and 3.✓, the county department or, in a
16 county having a population of 500,000 or more, the department may make payments
17 under par. (am)✓ to a long-term kinship care relative who is providing care and
18 maintenance for a child who is placed in the home of the long-term kinship care
19 relative for no more than 60 days after the date on which the county department or
20 department received under par. (am) 1.✓ the completed application of the long-term
21 kinship care relative for a license to operate a foster home or, if the application is
22 approved or denied within those 60 days, until the date on which the application is
23 approved or denied.✓

1 2. If the application specified in subd. 1. is not approved or denied within 60
2 days after the date on which the county department or department received the
3 completed application for any reason other than an act or omission of the long-term
4 kinship care relative, the county department or department may make payments
5 under par. (am) for 4 months after the date on which the county department or
6 department received the completed application or, if the application is approved or
7 denied within those 4 months, until the date on which the application is approved
8 or denied.

9 3. Notwithstanding that an application of a long-term kinship care relative
10 specified in subd. 1. is denied, the county department or, in a county having a
11 population of 500,000 or more, the department may make payments under par. (am)
12 to the long-term kinship care relative until an event specified in par. (am) 6. a. to f.
13 occurs if the county department or department submits to the court information
14 relating to the background investigation specified in par. (am) 4., an assessment of
15 the safety of the long-term kinship care relative's home and the ability of the
16 long-term kinship care relative to care for the child, and a recommendation that the
17 child remain in the home of the long-term kinship care relative and the court, after
18 considering that information, assessment, and recommendation, orders the child to
19 remain in the long-term kinship care relative's home. If the court does not order the
20 child to remain in the kinship care relative's home, the court shall order the county
21 department or department to request a change in placement under s. 48.357 (1) (am)
22 or 938.357 (1) (am) or to request a termination of the guardianship order under s.
23 48.977 (7). Any person specified in s. 48.357 (2m) (a) or 938.357 (2m) (a) may also
24 request a change in placement and any person specified in s. 48.977 (4) (a) may also
25 request a termination of the guardianship order.

1 **SECTION 12.** 48.62 (4) of the statutes, as affected by 2009 Wisconsin Act 28, is
2 amended to read:

3 **48.62 (4)** Monthly payments in foster care shall be provided according to the rates specified in this
4 subsection. Beginning on January 1, 2010, the rates are \$215 for care and maintenance provided by a
5 ~~relative of a child of any age for a child of any age by a foster home that is licensed to provide the basic~~
6 ~~level of care under the rules promulgated under sub. (8) (a) and, for care and maintenance provided by~~
7 ~~a nonrelative foster home that is licensed to provide care at a level of care that is higher than that basic~~
8 ~~level of care, \$349 for a child under 5 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child~~
9 ~~12 to 14 years of age; and \$452 for a child 15 years of age or over. Beginning on January 1, 2011, the~~
10 ~~rates are \$220 for care and maintenance provided by a relative of a child of any age for a child of any~~
11 ~~age by a foster home that is licensed to provide the basic level of care under the rules promulgated under~~
12 ~~sub. (8) (a) and, for care and maintenance provided by a nonrelative foster home that is licensed to provide~~
13 ~~care at a level of care that is higher than that basic level of care, \$366 for a child under 5 years of age;~~
14 ~~\$400 for a child 5 to 11 years of age; \$455 for a child 12 to 14 years of age; and \$475 for a child 15 years~~
15 ~~of age or over. In addition to these grants for basic maintenance, the department shall make supplemental~~
16 ~~payments for foster care to a foster home that is receiving an age-related rate under this subsection that~~
17 ~~are commensurate with the level of care that the foster home is licensed to provide and the needs of the~~
18 ~~child who is placed in the foster home according to the rules promulgated by the department under sub.~~
19 ~~(8) (c).~~

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; 2009 a. 28.

20 **SECTION 13.** 48.62 (8) (b) of the statutes, as created by 2009 Wisconsin Act 28,
21 is amended to read:

22 **48.62 (8) (b)** Rules establishing a standardized assessment tool to assess the
23 needs of a child placed or to be placed outside the home, to determine the level of care
24 that is required to meet those needs, and to place the child in a placement that meets
25 those needs. A foster home that is licensed to provide a given level of care under par.
26 (a) may provide foster care for any child whose needs are assessed to be at or below
27 the level of care that the foster home is licensed to provide or, if support and services
28 sufficient to meet the child's needs are provided, may provide foster care for a child
29 whose needs are assessed to be above that level of care.

History: 1977 c. 354 s. 101; 1977 c. 418, 447; 1981 c. 20; 1985 a. 29 s. 3202 (23); 1985 a. 176, 281, 332, 403; 1989 a. 31, 336; 1993 a. 395 ss. 31m, 39; 1993 a. 437 s. 67; 1993 a. 446 ss. 79 to 82, 134m; 1993 a. 491; 1995 a. 275; 1997 a. 27, 334; 1999 a. 9; 2001 a. 69; 2005 a. 25, 232, 387; 2007 a. 20 ss. 810, 1322, 1323; 2009 a. 28.

30 **SECTION 14.** 48.75 (1g) (c) (intro.) of the statutes is amended to read:

31 **48.75 (1g) (c) (intro.)** No license may be issued under par. (a) 1., 2. or 3. unless
32 the public licensing agency issuing the license has notified the public licensing

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1 ~~agency of the county in which the foster home will be located of its intent to issue the~~
2 ~~license and the 2 public licensing agencies have entered into a written agreement~~
3 ~~under this paragraph. A public licensing agency is not required to enter into any~~
4 ~~agreement under this paragraph allowing the public licensing agency of another~~
5 ~~county to license a foster home within its jurisdiction. The written agreement shall~~
6 ~~include all~~ All of the following apply to a public licensing agency that issues a license
7 under par. (a) 1., 2., or 3.:

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28.

8 **SECTION 15.** 48.75 (1g) (c) 1. of the statutes is amended to read:

9 48.75 (1g) (c) 1. ~~A statement that the~~ The public licensing agency issuing the
10 license has shall have placement and care responsibility for the child as required
11 under 42 USC 672 (a) (2) and ~~has~~ primary responsibility for providing services to the
12 child who is placed in the foster home, ~~as specified in the agreement.~~

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28.

13 **SECTION 16.** 48.75 (1g) (c) 2. of the statutes is amended to read:

14 48.75 (1g) (c) 2. ~~A statement that the~~ The public licensing agency issuing the
15 license is responsible for the costs of the placement and any related costs, as specified
16 in the agreement.

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28.

17 **SECTION 17.** 48.75 (1g) (c) 3. of the statutes is amended to read:

18 48.75 (1g) (c) 3. ~~A description of the~~ The public licensing agency shall have in
19 place procedures to be followed in providing emergency services to the child who is
20 placed in the foster home and to the foster parent, ~~as specified in the agreement.~~

History: 1985 a. 176; 1985 a. 332 s. 251 (1); 1989 a. 336; 1993 a. 395, 446; 1995 a. 225; 1997 a. 27, 237; 1999 a. 9, 103; 2005 a. 232; 2007 a. 20 ss. 1362, 1363, 9121 (6) (a); 2007 a. 186; 2009 a. 28.

21 **SECTION 18.** 48.75 (1g) (d) of the statutes is repealed.

- ① SECTION 19. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act 28,
② sections 1275, 1276^{create A.R. A} and 1277, is repealed and recreated to read:

3 49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (1m), each residential care
4 center for children and youth and each group home shall establish a per client rate
5 for its services and each child welfare agency shall establish a per client
6 administrative rate for the administrative portion of its treatment foster care
7 services. A residential care center for children and youth and a group home shall
8 charge all purchasers the same rate for the same services and a child welfare agency
9 shall charge all purchasers the same administrative rate for the same treatment
10 foster care services. The department shall determine the levels of care created under
11 the rules promulgated under s. 48.62 (8) to which this section applies.

- ⑫ SECTION 20. 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act ...
⑬ (this act), section *, is amended to read:

14 49.343 (1g) ESTABLISHMENT OF RATES. Subject to sub. (1m), each For services
15 provided beginning on January 1, 2011, the department shall establish the per client
16 rate that a residential care center for children and youth and each or a group home
17 shall establish a per client rate may charge for its services and each child welfare
18 agency shall establish a, and the per client administrative rate that a child welfare
19 agency may charge for the administrative portion of its treatment foster care
20 services, as provided in this section. In establishing rates for a placement specified
21 in s. 938.357 (4) (c) 1. or 2., the department shall consult with the department of
22 corrections. A residential care center for children and youth and a group home shall
23 charge all purchasers the same rate for the same services and a child welfare agency
24 shall charge all purchasers the same administrative rate for the same treatment

1 foster care services. The department shall determine the levels of care created under
2 the rules promulgated under s. 48.62 (8) to which this section applies.

3 **SECTION 21.** ^{create A.R. E ✓} 49.343 (1g) of the statutes, as affected by 2009 Wisconsin Act ...
4 (this act), sections ^{use A.R. B (p. 13)} * and *, is amended to read:

5 49.343 (1g) ESTABLISHMENT OF RATES. For services provided beginning on
6 January 1, 2011, the department shall establish the per client rate that a residential
7 care center for children and youth or a group home may charge for its services, and
8 the per client administrative rate that a child welfare agency may charge for the
9 administrative portion of its ~~treatment~~ foster care services, as provided in this
10 section. In establishing rates for a placement specified in s. 938.357 (4) (c) 1. or 2.,
11 the department shall consult with the department of corrections. A residential care
12 center for children and youth and a group home shall charge all purchasers the same
13 rate for the same services and a child welfare agency shall charge all purchasers the
14 same administrative rate for the same ~~treatment~~ foster care services. The
15 department shall determine the levels of care created under the rules promulgated
16 under s. 48.62 (8) to which this section applies.

17 **SECTION 22.** ^{create A.R. C ✓} 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act 28,
18 sections 1281 and 1282, is repealed and recreated to read:

19 49.343 (2) (a) By October 1, 2010, and annually after that, a residential care
20 center for children and youth or a group home shall submit to the department the per
21 client rate that it proposes to charge for services provided in the next year and a child
22 welfare agency shall submit to the department the proposed per client
23 administrative rate that it proposes to charge for treatment foster care services
24 provided in the next year. The department shall provide forms and instructions for
25 the submission of proposed rates under this paragraph and a residential care center

for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

Create A.R. D →
SECTION 23. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
use A.R. C (p. 14)
(this act), section *, is amended to read:

49.343 (2) (a) By October 1, 2010, ~~and annually after that~~, annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for treatment foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth, group home, or child welfare agency that is required to submit a proposed rate under this paragraph shall submit that proposed rate using those forms and instructions.

Create A.R. F →
SECTION 24. 49.343 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
use A.R. D
(this act), sections * and *, is amended to read:

49.343 (2) (a) By October 1, annually, a residential care center for children and youth or a group home shall submit to the department the per client rate that it proposes to charge for services provided in the next year and a child welfare agency shall submit to the department the proposed per client administrative rate that it proposes to charge for ~~treatment~~ foster care services provided in the next year. The department shall provide forms and instructions for the submission of proposed rates under this paragraph and a residential care center for children and youth,

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1 group home, or child welfare agency that is required to submit a proposed rate under
2 this paragraph shall submit that proposed rate using those forms and instructions.

3 **SECTION 25. Nonstatutory provisions.**

4 (1) TRANSITION OF KINSHIP CARE AND LONG-TERM KINSHIP CARE PROVIDERS TO FOSTER
5 CARE PROVIDERS.

6 (a) *Foster home license required.* By no later than 6 months after the date of
7 the first review under section 48.57 (3m) (d) or (3n) (d) of the statutes occurring after
8 the effective date of this subsection of the placement of a child who on the day before
9 the effective date of this subsection was placed in the home of a kinship care relative,
10 as defined in section 48.57 (3m) (a) 2. of the statutes, or a long-term kinship care
11 relative, as defined in section 48.57 (3m) (a) 2. of the statutes, under an order of the
12 court assigned to exercise jurisdiction under chapters 48 and 938 of the statutes, the
13 kinship care relative or long-term kinship care relative shall obtain a license to
14 operate a foster home under section 48.62 (1) of the statutes.

15 (b) *Exception.* If the kinship care relative or long-term kinship care relative
16 refuses to obtain a license to operate a foster home as required under paragraph (a)
17 or is unable to meet the minimum requirements for the issuance of such a license,
18 at the first permanency plan review under section 48.38 (5) or 938.38 (5) of the
19 statutes or permanency plan hearing under section 48.38 (5m) or 938.38 (5m) of the
20 statutes occurring after the date by which the kinship care relative or long-term
21 kinship care relative is required under paragraph (a) to obtain the license, the
22 agency, as defined in section 48.38 (1) (a) or 938.38 (1) (a) of the statutes, that
23 prepared the child's permanency plan shall make a recommendation, and the court
24 or panel conducting the review or hearing shall make a determination under section
25 48.38 (5) (c) 1. or 938.38 (5) (c) 1. of the statutes, regarding the continuing necessity

1 for and safety and appropriateness of the placement. If the court or panel determines
2 that the placement continues to be necessary, safe, and appropriate, the child may
3 remain in the placement and the kinship care relative or long-term kinship care
4 relative may continue to receive payments under section 48.57 (3m) (am) or (3n) (am)
5 of the statutes. *or on the day after publication, whichever is later*

6 **SECTION 26. Effective dates.** This act takes effect on January 1, 2010, or on
7 the day after publication, whichever is later, except as follows:

8 (1) JUVENILE RESIDENTIAL AFTERCARE. The repeal and recreation of section
9 20.410 (3) (ho) of the statutes takes effect on July 1, 2010.

10 *use A.R. B (p. 13)* (2) ESTABLISHMENT OF RATES. The amendment of section 49.343 (1g) (by SECTION
11 *use A.R. D* *) and (2) (a) (by SECTION *) of the statutes and the repeal and recreation of section
12 48.57 (3m) (am) (intro.) of the statutes take effect on January 1, 2011.

13 (3) TREATMENT FOSTER HOMES. The treatment of section 48.48 (17) (a) *10m.* (10) of the
14 statutes and the amendment of sections 20.410 (3) (ho) and 49.343 (1g) (by SECTION
15 *use A.R. E (p. 14)* *) and (2) (a) (by SECTION *use A.R. F* *) of the statutes take effect on the date stated in the notice
16 provided by the secretary of children and families and published in the Wisconsin
17 Administrative Register under section 48.62 (9) of the statutes.

18 (END)

Insert 16 - 2

SEC AM; 2009 Wisconsin Act 28, section
9408 (6)

Section #. 2009 Wisconsin Act 28, section 9408 (6) is
amended to read:

Section #. 2009 Wisconsin Act 28, section 9408 (6) is amended to read:

[2009 Wisconsin Act 28] Section 9408 ~~no A~~ no A

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(6) FOSTER CARE LEVELS OF CARE. The repeal of sec-¹⁾

tions 48.02 (17q), ~~48.48 (17) (a) 10~~, 48.62 (1) (b), 49.001
 (7), 619.01 (1) (c) 4m., 619.01 (9m), 895.485 (1) (c), and
 938.02 (17q) of the statutes, the renumbering of section
 48.62 (1) (a) of the statutes, the amendment of sections
 20.410 (3) (ho) (by SECTION 316), 20.437 (1) (b), 20.437
 (1) (cf), 20.437 (1) (dd) (by SECTION 474), 20.437 (1)
 (jm), 20.437 (1) (pd) (by SECTION 480), 46.10 (14) (a),
 46.10 (14) (b), 46.21 (2) (j), 46.56 (8) (L), 46.56 (15) (b)
 4., 46.985 (1) (f), 48.01 (1) (gg), 48.02 (6), 48.195 (2) (d)
 5., 48.207 (1) (c), 48.207 (1) (f), 48.207 (3), 48.21 (5) (d)
 2., 48.21 (5) (d) 3., 48.27 (3) (a) 1., 48.27 (3) (a) 1m.,
 48.27 (3) (a) 2., 48.27 (6), 48.299 (1) (ag), 48.299 (1) (ar),
 48.32 (1) (c) 2., 48.32 (1) (c) 3., 48.33 (4) (intro.), 48.33
 (5), 48.335 (3g) (intro.), 48.345 (3) (c), 48.355 (2) (b) 2.,
 48.355 (2d) (c) 2., 48.355 (2d) (c) 3., 48.355 (4), 48.357
 (1) (am) 1., 48.357 (2m) (b), 48.357 (2r), 48.357 (2v) (c)
 2., 48.357 (2v) (c) 3., 48.363 (1) (b), 48.363 (1m), 48.365
 (2), 48.365 (2m) (ad) 2., 48.365 (2m) (ag), 48.371 (1)
 (intro.), 48.371 (1) (a), 48.371 (3) (intro.), 48.371 (3) (d),
 48.371 (5), 48.375 (4) (a) 1., 48.375 (4) (b) 1m., 48.375
 (4) (b) 3., 48.375 (7) (f), 48.38 (2) (intro.), 48.38 (2) (g),
 48.38 (4) (d) (intro.), 48.38 (4) (f) (intro.), 48.38 (5) (b),
 48.38 (5) (e), 48.38 (5m) (b), 48.38 (5m) (c), 48.38 (5m)
 (e), 48.42 (2) (d), 48.42 (2g) (a), 48.42 (2g) (am), 48.42
 (2g) (b), 48.427 (1m), ~~48.427 (3m) (a) 5.~~, 48.427 (3m)
 (am), 48.428 (2) (a), 48.428 (2) (b), 48.428 (4), 48.43 (5)
 (b), 48.43 (5m), 48.48 (9), 48.48 (17) (a) 3., 48.48 (17) (a)
 8., 48.48 (17) (c) 4. (by SECTION 985), 48.481 (1) (a),
 48.52 (1) (a), 48.52 (1) (b), 48.52 (1) (c), 48.569 (1) (d),
 48.57 (1) (c), 48.57 (1) (hm), 48.57 (1) (i), 48.57 (3) (a)
 4., 48.60 (2) (e), 48.61 (3), 48.61 (7), 48.615 (1) (b), sub-
 chapter XIV (title) of chapter 48 [precedes 48.619],
 48.619, 48.62 (title), 48.62 (2), 48.62 (3), 48.62 (5) (a)
 (intro.), 48.62 (5) (d) (by SECTION 1018), 48.62 (6), 48.62
 (7), 48.625 (3), 48.627 (title), 48.627 (2) (a), 48.627 (2c),
 48.627 (2m), 48.627 (2s) (a), 48.627 (2s) (b), 48.627 (3)
 (b), 48.627 (3) (d), 48.627 (3) (e), 48.627 (3) (f), 48.627
 (3) (h), 48.627 (4), 48.627 (5), 48.63 (1), 48.63 (3) (b) 2.,
 48.63 (4), 48.64 (title), 48.64 (1), 48.64 (1m), 48.64 (1r),
 48.64 (2), 48.64 (4) (a), 48.64 (4) (c), 48.645 (1) (a),
 48.645 (2) (a) 1., 48.645 (2) (a) 3., 48.645 (2) (a) 4.,
 48.645 (2) (b), subchapter X of chapter 48 [precedes
 48.66], 48.66 (1) (a), 48.66 (1) (c), 48.67 (intro.), 48.67
 (4), 48.675 (1), 48.675 (2), 48.675 (3) (intro.), 48.675 (3)
 (a), 48.685 (1) (b), 48.685 (2) (c) 1., 48.685 (2) (c) 2.,

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16 - 2
 (b) SECTION
 1062(b)

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48.685 (4m) (a) (intro.) (by SECTION 1072d), 48.685 (4m) (ad) (by SECTION 1074d), 48.685 (5) (bm) (intro.), 48.685 (5m) (by SECTION 1078d), 48.685 (6) (a) (by SECTION 1080d), 48.70 (2), 48.73, 48.75 (title), 48.75 (1d), 48.75 (2), 48.833 (1), 48.833 (2), 48.837 (1), 48.837 (1r) (b), 48.88 (2) (am) 1., 48.88 (2) (am) 2., 48.975 (3) (a) 1., 48.975 (3) (a) 2., 48.98 (1), 48.98 (2) (a), 48.981 (3) (d) 1., 48.981 (7) (a) 4., 48.986 (4), 49.136 (1) (m), 49.155 (1) (c), ~~49.155 (1m) (a) (intro.)~~, 49.155 (1m) (a) 1m. b., 49.155 (1m) (bm), ~~49.175 (1) (a)~~, 49.19 (1) (a) 2. b., 49.19 (4e) (a), 49.19 (10) (a), 49.19 (10) (c), 49.19 (10) (d), 49.19 (10) (e), 49.32 (9) (a), 49.34 (1), 49.343 (1d) (a) and (b), (1g) (by SECTION 1276m), (1m) (by SECTION 1278g), ~~and (2) (a), (b), and (c)~~, 49.345 (14) (a), 49.345 (14) (b), 49.45 (3) (e) 7., 49.46 (1) (a) 5., 49.46 (1) (d) 1., 49.471 (4) (a) 5., 50.01 (1) (a) 1., 50.01 (1) (a) 2., 59.69 (15) (intro.) (by SECTION 1451), 59.69 (15) (bm), 60.63 (intro.) (by SECTION 1454), 60.63 (3), 62.23 (7) (i) (intro.) (by SECTION 1458), 62.23 (7) (i) 2m., 103.10 (1) (a) (intro.), 103.10 (1) (f) (by SECTION 2173), 121.79 (1) (d) (intro.), 121.79 (1) (d) 2., 121.79 (1) (d) 3., 146.82 (2) (a) 18m., 167.10 (7), 252.15 (5) (a) 19., 253.10 (3) (c) 2. c., 301.12 (14) (a), 301.12 (14) (b), 301.26 (4) (d) 2. (by SECTION 2676), 301.26 (4) (d) 3. (by SECTION 2678), 301.26 (4) (e), 301.26 (4) (ed), 301.46 (4) (a) 6., 343.15 (4) (a) 3., 619.01 (1) (a), 619.01 (1) (c) 1., 619.01 (9), 767.41 (3) (c), 786.37 (3), 809.105 (13), 895.485 (title), 895.485 (2) (intro.), 895.485 (2) (a), 895.485 (2) (b), 895.485 (3), 895.485 (4) (intro.), 895.485 (4) (a), 938.02 (6), 938.207 (1) (c), 938.207 (1) (f), 938.21 (5) (d) 2., 938.21 (5) (d) 3., 938.27 (3) (a) 1., 938.27 (3) (a) 1m., 938.27 (3) (a) 2., 938.27 (6), 938.299 (1) (ag), 938.32 (1) (d) 2., 938.32 (1) (d) 3., 938.33 (4) (intro.), 938.33 (5), 938.335 (3g) (intro.), 938.34 (3) (c), 938.355 (2) (b) 2., 938.355 (2d) (c) 2., 938.355 (2d) (c) 3., 938.355 (4) (a), 938.357 (1) (am) 1., 938.357 (1) (am) 2., 938.357 (2m) (b), 938.357 (2r), 938.357 (2v) (c) 2., 938.357 (2v) (c) 3., 938.357 (6), 938.363 (1) (b), 938.363 (1m), 938.365 (2), 938.365 (2m) (ad) 2., 938.365 (2m) (ag), 938.365 (5), 938.371 (1) (intro.), 938.371 (1) (a), 938.371 (3) (intro.), 938.371 (3) (d), 938.38 (2) (intro.), 938.38 (4) (f) (intro.), 938.38 (5) (b), 938.38 (5) (e), 938.38 (5m) (b), 938.38 (5m) (c), 938.38 (5m) (e), 938.48 (4), 938.52 (1) (b), 938.538 (3) (a) 1p., 938.57 (1) (c), 938.57 (3) (a) 4., 940.201 (1) (a), 940.203 (1) (a), 940.205 (1), 940.207 (1), 940.43 (1), 940.45 (1), 943.011 (1) (a), 943.013 (1) (a), 943.015 (1), 943.017 (2m) (a) 1., 948.01 (3), 948.085 (1), 949.06 (1m) (a) (by SECTION 3359), and 973.017 (6) (a) of the statutes, ~~and the creation of section 48.62 (8) of the statutes and~~ SECTION 9108 (3) (a) of this act take effect on the date

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16-2

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

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Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Insert 16-2

stated in the notice provided by the secretary of children
and families and published in the Wisconsin Administra-
tive Register under section 48.62 (9) of the statutes, as
created by this act.

Insert 17

Parisi, Lori

From: Kahn, Carrie
Sent: Monday, October 12, 2009 4:33 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3491/1 Topic: Graduated foster care licensing

Please Jacket LRB 09-3491/1 for the SENATE.